

1-1 By: Kleinschmidt (Senate Sponsor - Hancock) H.B. No. 1972
1-2 (In the Senate - Received from the House April 25, 2013;
1-3 April 29, 2013, read first time and referred to Committee on
1-4 Business and Commerce; May 7, 2013, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; May 7, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the provision of 9-1-1 services; providing criminal
1-20 penalties.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 771.001(6), Health and Safety Code, is
1-23 amended to read as follows:

1-24 (6) "9-1-1 service" means a communications
1-25 [telecommunications] service that connects users [provides the
1-26 user of the public telephone system the ability] to [reach] a public
1-27 safety answering point through a [by dialing the digits] 9-1-1
1-28 system.

1-29 SECTION 2. The heading to Section 771.053, Health and
1-30 Safety Code, is amended to read as follows:

1-31 Sec. 771.053. STATEWIDE LIMITATION ON LIABILITY OF SERVICE
1-32 PROVIDERS AND CERTAIN PUBLIC OFFICERS.

1-33 SECTION 3. Section 771.053, Health and Safety Code, is
1-34 amended by amending Subsection (a) and adding Subsection (c) to
1-35 read as follows:

1-36 (a) A service provider of communications
1-37 [telecommunications] service involved in providing 9-1-1 service,
1-38 a manufacturer of equipment used in providing 9-1-1 service, a
1-39 developer of software used in providing 9-1-1 service, a third
1-40 party or other entity involved in providing 9-1-1 service, or an
1-41 officer, director, or employee of the [a] service provider,
1-42 manufacturer, developer, third party, or other entity involved in
1-43 providing 9-1-1 service is not liable for any claim, damage, or loss
1-44 arising from the provision of 9-1-1 service unless the act or
1-45 omission proximately causing the claim, damage, or loss constitutes
1-46 gross negligence, recklessness, or intentional misconduct.

1-47 (c) This section shall be interpreted to provide protection
1-48 relating to confidentiality and immunity and protection from
1-49 liability with at least the same scope and to at least the same
1-50 extent as described by federal law, including 47 U.S.C. Section
1-51 615a and 47 U.S.C. Section 1472.

1-52 SECTION 4. Section 771.061, Health and Safety Code, is
1-53 amended to read as follows:

1-54 Sec. 771.061. STATEWIDE CONFIDENTIALITY OF INFORMATION.

1-55 (a) Information that a service provider of communications
1-56 [telecommunications] service is required to furnish to a
1-57 governmental entity, including a regional planning commission,
1-58 emergency communications district, or public safety answering
1-59 point, in providing 9-1-1 service or that a service provider, third
1-60 party, or other entity voluntarily furnishes at the request of a
1-61 governmental entity in providing [computerized] 9-1-1 service is

confidential and is not available for public inspection. Information that is contained in an address database maintained by a governmental entity or a third party used in providing ~~[computerized]~~ 9-1-1 service is confidential and is not available for public inspection. The service provider or third party is not liable to any person who uses a ~~[computerized]~~ 9-1-1 service for the release of information furnished by the service provider or third party in providing ~~[computerized]~~ 9-1-1 service, unless the act or omission proximately causing the claim, damage, or loss constitutes gross negligence, recklessness, or intentional misconduct.

(b) Information that a service provider ~~[of telecommunications service]~~ furnishes to the commission or an emergency communication district to verify or audit emergency service fees or surcharge remittances and that includes access line or market share information of an individual service provider is confidential and not available for public inspection.

(c) This section shall be interpreted to provide protection relating to confidentiality and immunity and protection from liability with at least the same scope and to at least the same extent as described by federal law, including 47 U.S.C. Section 615a and 47 U.S.C. Section 1472.

SECTION 5. Section 772.001(6), Health and Safety Code, is amended to read as follows:

(6) "9-1-1 service" means a communications ~~[telecommunications]~~ service that connects users ~~[through which the user of a public telephone system has the ability]~~ to ~~[reach]~~ a public safety answering point through a 9-1-1 system ~~[by dialing the digits 9-1-1]~~.

SECTION 6. Sections 42.061(a), (b), and (c), Penal Code, are amended to read as follows:

(a) In this section "9-1-1 service" and "public safety answering point" or "PSAP" have the meanings assigned by Section 771.001 ~~[772.001]~~, Health and Safety Code.

(b) A person commits an offense if the person makes a ~~[telephone]~~ call to a 9-1-1 service, or requests 9-1-1 service using an electronic communications device, when there is not an emergency and knowingly or intentionally:

(1) remains silent; or
(2) makes abusive or harassing statements to a PSAP employee.

(c) A person commits an offense if the person knowingly permits an electronic communications device, including a telephone, under the person's control to be used by another person in a manner described in Subsection (b).

SECTION 7. The heading to Section 42.062, Penal Code, is amended to read as follows:

Sec. 42.062. INTERFERENCE WITH EMERGENCY REQUEST FOR ASSISTANCE ~~[TELEPHONE CALL]~~.

SECTION 8. Sections 42.062(a), (b), and (d), Penal Code, are amended to read as follows:

(a) An individual commits an offense if the individual knowingly prevents or interferes with another individual's ability to place an emergency ~~[telephone]~~ call or to request assistance, including a request for assistance using an electronic communications device, in an emergency from a law enforcement agency, medical facility, or other agency or entity the primary purpose of which is to provide for the safety of individuals.

(b) An individual commits an offense if the individual recklessly renders unusable an electronic communications device, including a telephone, that would otherwise be used by another individual to place an emergency ~~[telephone]~~ call or to request assistance in an emergency from a law enforcement agency, medical facility, or other agency or entity the primary purpose of which is to provide for the safety of individuals.

(d) In this section, "emergency" means a condition or circumstance in which any individual is or is reasonably believed by the individual making a ~~[telephone]~~ call or requesting assistance to be in fear of imminent assault or in which property is or is reasonably believed by the individual making the ~~[telephone]~~

call or requesting assistance to be in imminent danger of damage or destruction.

SECTION 9. Section 772.401, Health and Safety Code, is repealed.

SECTION 10. Subchapter C, Chapter 171, Health and Safety Code, is amended by adding Section 771.0512 to read as follows:

Sec. 771.0512. OBLIGATIONS OR REQUIREMENTS CONCERNING VOICE OVER INTERNET PROTOCOL, INTERNET PROTOCOL ENABLED SERVICE, OR COMMERCIAL MOBILE SERVICE OR WIRELINE SERVICE. Defining "9-1-1 service" as a communications service and other amendments effective September 1, 2013, do not expand or change the authority or jurisdiction of a public agency or the commission over commercial mobile service or wireline service including Voice over Internet Protocol service or Internet Protocol enabled service or expand the authority of a public agency or the commission to assess 911 fees. Nothing in this chapter affects Section 52.002(d), Utilities Code. In this section, "Voice over Internet Protocol service," "Internet Protocol enabled service," and "commercial mobile service" have the meanings assigned by Sections 51.002 and 51.003, Utilities Code.

SECTION 11. Subchapter A, Chapter 772, Health and Safety Code, is amended by adding Section 772.003 to read as follows:

Sec. 772.003. OBLIGATIONS OR REQUIREMENTS CONCERNING VOICE OVER INTERNET PROTOCOL, INTERNET PROTOCOL ENABLED SERVICE, OR COMMERCIAL MOBILE SERVICE OR WIRELINE SERVICE. Defining "9-1-1 service" as a communications service and other amendments effective September 1, 2013, do not expand or change the authority or jurisdiction of a public agency or the commission over commercial mobile service or wireline service including Voice over Internet Protocol service or Internet Protocol enabled service or expand the authority of a public agency or the commission to assess 911 fees. Nothing in this chapter affects Section 52.002(d), Utilities Code. In this section, "Voice over Internet Protocol service," "Internet Protocol enabled service," and "commercial mobile service" have the meanings assigned by Sections 51.002 and 51.003, Utilities Code.

SECTION 12. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 13. This Act takes effect September 1, 2013.

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